

2014 APAAC Annual Prosecutor Conference

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PROTECTING UNDERDOG: Mr. Peabody & Friends

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ANIMAL CRUELTY INVESTIGATION AND PROSECUTION

Animal Cruelty -
Investigation and Prosecution and
the Link to Human Violence

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Includes a variety of areas

- Successful prosecution often requires specialized knowledge:
 - Relevant laws (state and local and federal)
 - Veterinary medicine
 - Veterinary forensics
 - Animal care
 - Practices used in crimes against animals such as dog fighting and cockfighting

Fighting Attitudes

- Judges
- Officers
- Other prosecutors
- Defense attorneys
- The law itself: animal = toaster
- . . . yet public outcry
- Community standards for what is reasonable care changing yet...

English Law

- Jeremy Bentham, barrister, one of first to address animals in the legal system.
- Footnote to "Introduction to the Principles of Morals and Legislation" (1781)
- Argued that the capacity for suffering is what gives a being the right to legal consideration.
- "The question is not, Can they *reason*? Nor, Can they *talk*? But Can they *suffer*?"

Predictor

- "It has long been accepted among professionals who must assess dangerous populations that the best predictor of future behavior is past behavior and a past history of violence is the single most important predictor of future violence... Violence against animals is violence and when it is present it is ... synonymous with a history of violence."
- *FBI Supervisory Special Agent Alan C. Brantley at a Congressional Briefing, May 13, 1998*

Serial Killers and Abuse of Animals



H.H. Holmes, aka Herman Mudgett, considered to be America's first serial killer. He was responsible for killing as many as 50 women in the 1890's.

As a child he reportedly attacked animals in the woods and dissected them while they were still alive. He was executed in 1896.

Serial Killers and Abuse of Animals



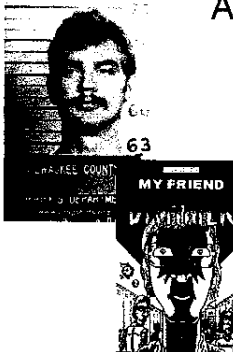
- On January 29, 1979, Brenda Spencer opened fire with a rifle on a school in San Diego, injuring eight children and killing the school principal and custodian. Her explanation was: "I don't like Mondays.. this cheers up my day."
- As a younger child she reportedly enjoyed setting fire to the tails of dogs and cats.

Serial Killers and Abuse of Animals



Theodore Robert "Ted" Bundy, was one of the most notorious murderers in US history. A serial killer, rapist, and necrophiliac, Bundy murdered scores of young women across the United States between 1974 and 1978. After more than a decade of vigorous denials, Bundy eventually confessed to over 30 murders. Bundy claimed that his grandfather, with whom Bundy spent time as a child, tormented animals. Evidence linked Bundy to graves "filled with animal bones."

Serial Killers and Abuse of Animals



Dahmer, an American serial killer, murdered and raped 163 men and boys between 1978 and 1991. His murders were particularly gruesome, involving acts of necrophilia, dismemberment and cannibalism.

As a teenager he kept dogs and cats impaled on sticks and stakes to trees. He preserved animal skeletons in a backyard shed.

Serial Killers and Abuse of Animals



Born Richard David Falco, the "Son of Sam", confessed to killing thirteen people and wounding several others in New York City in the late 1970s. Berkowitz shot the neighbor's Labrador Retriever "Harvey" in 1976. He claimed Harvey was a "demon dog", and that it barked out orders, telling him to murder young women (later found untrue).

Serial Killers and Abuse of Animals

- April 1999/Littleton, Colo. Eric Harris and Dylan Klebold shot to death 12 fellow students and a teacher and injured more than 20 others. Both teens had reportedly boasted about mutilating animals.
- May 1998/Springfield, Ore. Kip Kinkel, 15, killed his parents and opened fire in his high school cafeteria, killing two and injuring 22 others. He had a history of animal abuse and torture, having boasted about blowing up a cow and killing cats, chipmunks, and squirrels by putting lit firecrackers in their mouths.

Serial Killers and Abuse of Animals

- March 1998/Jonesboro, Ark. Mitchell Johnson, 13, and Andrew Golden, 11, pulled their school's fire alarm and then shot and killed four classmates and a teacher. Golden reportedly used to shoot dogs "all the time with a .22."
- December 1997/West Paducah, Ky. Michael Carneal, 14, shot and killed three students during a school prayer meeting. Carneal had been heard talking about throwing a cat into a bonfire.

Serial Killers and Abuse of Animals

- October 1997/Pearl, Miss. Luke Woodham, 16, shot and killed two of his classmates and injured seven others after stabbing his mother to death. Woodham's journal revealed that, in a moment of "true beauty," he and a friend had beaten, burned, and tortured his own dog, Sparkle, to death.

Serial Killers and Abuse of Animals



"All this did is spawn in me the urge to kill again. I began to think of what it would be like to kill a human being. The thought stayed with me for years, until one night it happened. I killed a woman by beating her almost to death and finished her off by strangulation. No longer did I search for animals to mistreat. I now looked for people to kill. And I did. I killed over and over until I was caught. Now I'm paying for it with the rest of my life behind bars. We should stop the cruelty to anything before it develops into a bigger problem, like me."

serial killer Keith Jespersion

Serial Killers and Abuse of Animals

- Erick Smith, convicted of murder at age 13 in the 1993 killing of a four-year-old neighbor. The victim had been choked, struck repeatedly on the head and sodomized with a stick.
- Smith reportedly wet his bed until age 11, choked a neighbor's cat to death at 9, started a kitchen fire in the middle of the night and burned the nose of a friend while he slept.



Why Do Batterers Abuse Animals?

- To exercise power and control
- To perpetuate the context of terror
- To further isolate their victims
- To force family to keep violence a secret
- To retaliate for Acts of independence
- To prevent victim from leaving or punish her for leaving
- Because animal abuse may be minimized, carry few penalties or be socially sanctioned To express human aggression through an animal
- Displacement of hostility from a person to an animal
- To enhance aggressiveness
- To shock people for amusement
- To retaliate against and animal
- To control an animal

Forms in the context of family violence

- Batterer kills a pet to punish the family
- Batterer threatens to kill a pet to secure silence for sexual abuse
- Children kill pets to rehearse their own suicide
- Children kill before a dominant adult can do so
- Individuals tortures an animal as gang initiation rites or to gain status from peers
- Batterers force partners to engage in sex with family pet
- Children create a fiercely loyal bond with an animal and escape to an imaginary world where the abuser cannot hurt them
- Adult victims of domestic violence prolong leaving an abusive relationship due to the fear of harm to the family pet

WHAT DOES ANIMAL CRUELTY LOOK LIKE?



Arizona Animal Cruelty Statute

- A.R.S. 13-2910
 - 13 subsections
 - 8 misdemeanors
 - 5 felonies
- A.R.S. 13-2910.01; animal fighting C5F
- A.R.S. 13-2910.03; cockfighting C5F
- Interesting that included in the offenses against public order section

DEFINITIONS

- Animal: a mammal, bird, reptile, or amphibian.
- Cruel neglect means "to fail to provide necessary food, water, or shelter.
- ---NOT ADEQUATE, but necessary.
- Interesting to note that an 1867 New York law imposed a duty to provide "sufficient quality of good and wholesome food and water"

Definitions

- Cruel Mistreatment means "to torture or otherwise inflict unnecessary serious physical injury upon an animal, or to kill an animal in a manner that causes protracted suffering to the animal."
- Protracted vs. "painless" death.
- No definition of torture

Definitions

- Service animal means an animal that has completed a formal training program, that assists its owner in one in one or more daily living tasks that are associated with a productive lifestyle, AND that is trained not to pose a danger to the health and safety of the general public.
- Seeing eye dog. Must be certified!! Obtain certification from dog's owner/handler.

Section 1 Misdemeanor

- Intentionally, knowingly, or recklessly subjects any animal to cruel neglect or abandonment.
- Huge problem now with the economy and foreclosures
- Don't have enough police manpower

Section 2 MISDEMEANOR

- Intentionally, knowingly, or recklessly fails to provide medical attention necessary to prevent protracted suffering to any animal under the person's care or control.
- Affirmative responsibility to seek medical care. Reckless behavior is no excuse under the statute.

Section 3 MISDEMEANOR

- Intentionally, knowingly, or recklessly inflicts unnecessary *physical* injury to an animal.
- Minor injury qualifies.
- Ex. Throwing dog out of truck, scrapes to back end, but no *serious injury*
- Must have injury though. Kicking the dog with no injury not enough.

Section 4 Misdemeanor

- Recklessly subjects any animal to cruel mistreatment.
- Counterpart to *felony section 9*. Difference is the mental state. Behavior that is required in section 4 is recklessness. Subsection 9 is intentional or knowing behavior.

Section 5 Misdemeanor

- Intentionally, knowingly, or recklessly kills any animal under the custody or control of another person without either legal privilege or consent of the owner.
- Death.....does not matter how inflicted.

Section 6 Misdemeanor

- Recklessly interferes with, kills, or harms a working or service animal without either legal privilege or consent of the owner.

Section 7 Misdemeanor

- Intentionally, knowingly, or recklessly leaves an animal unattended and confined in a motor vehicle and physical injury to or death of the animal is likely to result.
- A peace officer, animal control enforcement agent, or animal enforcement deputy may use reasonable force to open a vehicle to rescue an animal if the animal is left in the vehicle as prescribed in subsection A, paragraph 7 of this section.

- **MUST** call a vet as a witness in the trial to fight defenses
- Also, in certain cases **MUST** have a vet examine the animal to rule out defenses
- Include temperature in report
- Try to obtain inside temperature

- Many cities also add to their town codes that if one hits an animal with a vehicle and does not render aid it is a class 1 misdemeanor

Theft 13-1802 (E)

- Theft of any property or services valued at less than \$1000 is a class one misdemeanor UNLESS the property is taken from the person of another is a firearm or is AN ANIMAL taken for the purpose of animal fighting which is a class 6 felony
- Amended 7/13/09 to insert animal for dog

Exempt Activities

- Activities that are exempt from cruelty statutes are activities involving:
- Training
- Hunting
- Ranching
- Farming
- Rodeo Shows
- Security services

Defense to cruelty to animals

- Defense if the activity charged involves
 - Lawful pursuit of hunting
 - Ranching
 - Farming
 - Rodeo shows
 - Security services

Civil Seizure – A.R.S. §13-4281 or Local Ordinance

- If seize pursuant to 13-2910, affix notice or personally serve
- File proof of service with the court
- If suffering of animal does not require humane destruction notice includes the following:

Civil Seizure – A.R.S. §13-4281 or Local Ordinance

- Name, address and telephone number of person providing notice
- Description of seized animal
- Authority and purpose for the seizure
- Information about how to request a hearing (within ten days after date of notice)
- Owner responsible for care
- If no bond posted animal forfeited

Civil Seizure – A.R.S. §13-4281 or Local Ordinance

- Hearing must be set within 15 business days
- Burden at hearing: preponderance
- Seize as evidence??

Local Ordinances – A Brief Survey

- **Tucson** (Chapter 4, Animals and Fowl)
 - *Sec. 4-3(1). Cruelty.* Whoever overdrives, overloads, overworks, tortures, torments, cruelly beats, mutilates or unlawfully kills an animal, or causes or procures an animal to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, cruelly beaten, mutilated or killed, and whoever, having charge or custody of an animal, either as owner or otherwise, inflicts unnecessary cruelty upon it, cruelly drives or works it when unfit for labor, or cruelly abandons it, or carries it or causes it to be carried in or upon a vehicle or otherwise, in an unnecessarily cruel or inhumane manner or knowingly and willfully authorizes or permits it to be subjected to unreasonable or unnecessary torture, suffering or cruelty of any kind, shall be guilty of a misdemeanor.

Local Ordinances – A Brief Survey

- Tucson continued: (Chapter 4, Animals and Fowl)
- *Sec. 4-3(2). Neglect.* To guarantee that animals under human custody or control are housed in healthy environments and are provided with proper food, water, shelter, medical care, exercise space and ventilation. Must ensure
 - (a) That the animal receives daily, food that is free from contamination and is of sufficient quantity and nutritive value to maintain the animal in good health.
 - (b) That potable water is accessible to the animal at all times, either free-flowing or in a clean receptacle.
 - (c) That, except for livestock, all animals have convenient access to natural or artificial shelter throughout the year . . .
 - (d) care and medical treatment
 - (e) adequate exercise space
 - (f) adequate ventilation and protected from temperature extremes (car included)
 - (g) no steroids to greyhounds

Local Ordinances – A Brief Survey

- Tucson continued:
 - Tucson Sec 4-4 Animal or Fowl fights prohibited
 - Tucson Sec 4-5 Must render aid to animals struck by vehicle
 - Tucson section 4-10 Probable cause to seize

Local Ordinances – A Brief Survey

- Gilbert: mirrors state statute
- Adds striking domestic animal with a vehicle
- Civil seizure if REASONABLE GROUNDS to believe in distress due to mistreatment, restriction of movement et al.

Local Ordinances – A Brief Survey

- Phoenix
 - Mirrors state statute but adds striking an animal with a vehicle; intentionally or knowingly poisons or attempts to poison an animal; intentionally, knowingly or recklessly makes use of a baited trap or mechanical device that causes death or injury
 - Definition: excludes rodents from the definition of animal (with exceptions)

Local Ordinances – A Brief Survey

- Phoenix continued:
 - Also adds provision that if violate certain sections and have ten or more animals, court shall require a psychological evaluation prior to sentencing
- Civil seizure
 - Reasonable grounds
 - Notice posted
 - Request hearing within ten days

Local Ordinances – A Brief Survey

- Phoenix continued:
 - Equine tripping or diving section
 - Separate section for confining animals in a motor vehicle in conditions as may endanger the health or well-being of the animal due to heat, lack of food or drink, or other circumstances as may reasonably be expected to cause suffering, disability or death

Local Ordinances – A Brief Survey

- Oro Valley
 - Abandonment: owner cannot leave an animal in any location for more than 48 hours without providing for the animal's care and well-being
 - Intent shall be demonstrated by proof that the owner left the animal in an abode not presently occupied and/or owner released the animal out of a vehicle onto public or private property without making arrangements for its care.

Local Ordinances – A Brief Survey

- Oro Valley continued:
 - Cruelty: It is unlawful for any person to, or to allow any person to, overload, overwork, torture, torment, cruelly beat, kick, mutilate, cruelly injure, or cruelly or unlawfully kill an animal.
 - Failure to render aid: It is unlawful for any person to accidentally or otherwise hit and/or injure an animal with an automobile or other vehicle and to leave the scene without making a reasonable effort to obtain aid, render aid and/or assist in the care of such animal.

Local Ordinances – A Brief Survey

- Oro Valley continued:
 - Neglect: unlawful for any owner to fail to provide food and/or water free from contamination, which is of sufficient quantity and nutritive value to maintain the animal in good health
 - Provide access to natural or artificial shelter that is in good repair to protect from injury or the elements and must allow the animal to enter, stand, turn around and lie down in a natural manner
 - Care and medical treatment; adequate exercise space (with the exception of temporary tethering of horses, the use of tie-outs such as chains, leashes, wires, cables, ropes, or similar restraining devices for the purpose of animal confinement is hereby prohibited)
 - Provide adequate ventilation and protection from temperature extremes (also includes motor vehicle confinement)
 - Seizure provisions

Local Ordinances – A Brief Survey

- Pima County – Chapter 6.04.110
 - Cruelty section A: overdrives, overloads, overworks, torments, cruelly beats, mutilates or unlawfully kills an animal (or causes or procures animal to be so); gives or administers anabolic steroids to any greyhound dog in training for or being used for racing to artificially enhance performance or suppress estrus
 - Cruelty Section B: inflicts unnecessary cruelty, cruelly drives or works when unfit for labor, or cruelly abandons; carries it upon a vehicle in an unnecessarily cruel or inhumane manner; knowingly and willfully authorizes or permits it to be subjected to unreasonable or unnecessary suffering, torture or cruelty of any kind; or administer steroids as above

Local Ordinances – A Brief Survey

- Pima County continued:
 - Neglect (B): animal must receive daily food that is free from contamination and of sufficient quantity and nutritive value to maintain the animal in good health; potable water accessible at all times (free-flowing or in clean receptacle); convenient access to natural or artificial shelter that is structurally sound and in good repair and sufficient size to allow the animal to enter, stand, turn around and lie down in a natural manner; receives care and medical treatment for debilitating injuries, parasites and diseases sufficient to maintain the animal in good health and minimize suffering; given adequate exercise space (no tie outs); adequate ventilation and protection from temperature extremes (including motor vehicles)

Local Ordinances – A Brief Survey

- Pima County continued:
 - Seizure: probable cause that an animal is in distress caused by mistreatment, tie out, exposure to the elements, extremes of temperature, lack of adequate ventilation or drainage, lack of sanitation, deprivation of proper food or potable water, restraint, restriction of movement, confinement, lack of sufficient exercise space, constrictive gear, injury, illness, physical impairment or parasites; well being threatened by dangerous condition; in distress due to a tie out

Local Ordinances – A Brief Survey

- Flagstaff
 - 6-02-001-0011 Prohibited acts: (A) shall not own or harbor any dog for the purpose of dog fighting, or training of a dog to attack or cause injury to a domestic animal; (B) unlawful to not properly care for a dog (must provide sufficient food and water, maintain the dog in good health; provide the dog with adequate shelter from the elements, keep dog pens or runs clean and sanitary) . . . (D) Cruelty: intentionally, knowingly or recklessly cruelly beats, tortures, torments, mutilates or unlawfully kills an animal (or causes or permits the foregoing)

Local Ordinances – A Brief Survey

- Scottsdale – Division II – Offenses and Defenses
 - Sec. 4-3: Animal neglect: a person commits animal neglect by abandoning an animal or failing to provide basic care for an animal, causing needless suffering or injury to the animal; includes confining an animal in a motor vehicle in a manner detrimental to its health or safety
 - Sec 4-4: Animal cruelty: person intentionally, knowingly or recklessly causes physical injury to an animal, inflicts needless suffering on it, or causes an animal under the person's custody and control to harm another animal.
 - Sec 4-5: Sexual assault: A person commits the crime of sexual assault of an animal by contacting, or causing an object or another person to contact the mouth, anus or sex organs of an animal for the purpose of arousing or gratifying sexual desire.

Local Ordinances – A Brief Survey

- Scottsdale continued:
 - Sec. 4-6: Animal Fighting: A person commits the crime of participation in animal fighting if the person attends, advertises or bets upon an animal fight, or offers to sell equipment for the training or handling of a fighting animal.
 - Sec. 4-7: Interference with a service animal: recklessly or intentionally interferes with a service animal by touching, impeding, or distracting it; injures or attempts to injure an animal the person knows or reasonably should know is a service animal; or releases, steals or otherwise causes injury or death of any animal at or from a research facility.
 - Sec. 4-11: Seizure; probable cause

Local Ordinances – A Brief Survey

- Paradise Valley
 - Section 7-2-1 Cruelty: It is unlawful for any person to treat any animal cruelly. It is unlawful to beat, underfeed, overload, or abandon any animal.

Local Ordinances – A Brief Survey

- Casa Grande
- 6.04.070 Dog fighting prohibited. Knowingly owning, possessing, keeping or training any dogs with the intent that the dogs engage in an exhibition of fighting with another dog; causing any dog to fight with another dog, or causing any dog to injure another dog for amusement or gain; permitting any act in violation of subdivisions 1 or 2 above to be done on any premises under his charge or control.
- 6.08.030: Confinement in motor vehicles: as may endanger the health or well-being of the animal due to heat, lack of food or drink, or such other circumstances as may reasonably be expected to cause suffering, disability or death.

Local Ordinances – A Brief Survey

- Casa Grande continued:
 - 6.08.040 Housing standards: It is unlawful to cause or allow any stable, kennel, pet shop, or place where any animal is or may be kept to become unclean or unwholesome.
 - 6.08.110. Animal Cruelty. (A) Maliciously kills, maims, or wounds an animal which is the property of another, or who, having charge or custody of an animal as owner or otherwise, overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, drink or shelter, cruelly beats, mutilates or cruelly kills an animal, or subjects an animal to needless suffering, or inflicts unnecessary cruelty upon the animal, or in any manner abuses an animal, or who cruelly drives, rides or otherwise uses the animal when unfit for labor is guilty of a Class 2 misdemeanor.

Local Ordinances – A Brief Survey

- Casa Grande continued:
- (B) Abandons an animal, or drops or leaves an animal on the street, road or highway, in a public place or on private property with intent to abandon is guilty of a Class 2 misdemeanor. An animal also is abandoned when the owner, possessor or custodian fails to claim it from a boarding facility or veterinarian within ten days of the date a registered letter is received by such person from the boarding facility or veterinarian requesting that the owner, possessor or custodian reclaim the animal.
- (C) Any person who conducts a shooting event at which any person uses a firearm to shoot, kill or wound a live bird or animal that is tied, staked out, caged, held or restrained in any manner and used as a target to be fired at in such an event is guilty of a Class 2 misdemeanor.

Local Ordinances – A Brief Survey

- Mesa
 - 6-5-5: Selling chickens, ducks or rabbits that have been artificially colored
 - Nothing specific regarding cruelty

Local Ordinances – A Brief Survey

- Chandler: 14-6: Cruelty to Animals
 - Whenever any person drives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates, cruelly kicks or causes or procures an animal to be overdriven, overloaded, overworked, tortured or tormented, deprived of necessary sustenance, cruelly beaten, mutilated or killed, and whoever having the charge or custody of any animal, either as owner or otherwise, inflicts unnecessary cruelty upon it, or unnecessarily fails to provide it with proper food, drink, shelter or protection from the weather, shall be guilty of a misdemeanor.
 - 14-11: Duty upon striking with motor vehicle: Any person who knowingly injures a canine, feline or other domestic animal while in operation of a motor vehicle, shall take reasonable steps to locate the owner thereof, and shall render to such injured animal reasonable assistance.

Local Ordinances – A Brief Survey

- Chandler continued:
 - 14-12: Poisoning of animals: Every person who willfully administers any poison to a cat, dog or domestic animal, the property of another, or exposes any poisonous substance or substances where the same may be available to any child, dog, cat or domestic animal shall be guilty of a misdemeanor.
 - 14-13: Abandoning Animals: Every owner who shall abandon an animal or shall permit the same to be in any building, enclosure, lane, street, road, highway, acreage or desert area without proper care and attention shall be deemed guilty of a misdemeanor.

Local Ordinances – A Brief Survey

- Bullhead City:
 - 6.04.050(A): Cruelty: whoever overdrives, overloads, overworks, tortures, cruelly beats, mutilates or unlawfully kills an animal (or causes or procures the foregoing); or inflicts unnecessary cruelty upon it, cruelly drives or works it when unfit for labor, or abandons it, carries it or causes it to be carried in or upon a vehicle or otherwise, in an unnecessarily cruel or inhumane manner or knowingly or willfully authorizes or permits it to be subjected to unreasonable or unnecessary torture, suffering or cruelty of any kind, shall be guilty of a Class 1 misdemeanor.

Local Ordinances – A Brief Survey

- Bullhead City continued:
 - 6.04.050(B): Neglect: Purpose is to ensure animals are housed in healthy environment; must receive daily food that is free from contamination and is of sufficient quantity and nutritive value to maintain the animal in good health; potable water is accessible to the animal at all times, either free-flowing or in a clean receptacle; convenient access to natural or artificial shelter that is structurally sound and allows animal to enter, stand turn around and lie down in natural matter, protects from temperature extremes or precipitation and which is free of parasites; adequate care and medical treatment to maintain in good health and minimize suffering; adequate exercise space; adequate ventilation and protected from temperature extremes (motor vehicle)

Local Ordinances – A Brief Survey

- Bullhead City continued:
 - 6.04.060 Animal or fowl fights prohibited: Any person who is the owner of, or who has the charge, custody or control of any animal or fowl, who willfully or knowingly permits or aids, abets or encourages such animal or fowl to engage in a fight with any other animal or fowl within the city, on a wager, or for sport, or for any other purpose, shall be guilty of a Class 1 misdemeanor.
 - 6.04.070 Rendering aid: Any person accidentally or otherwise hits an animal with an automobile or other vehicle and injures the same shall make a reasonable effort to render aid and assistance in the care of such animal

Local Ordinances – A Brief Survey

- Cottonwood:
 - 6.08.010: Care requirements: shall be cared and provided for which includes but is not limited to clean, safe shelter that provides protection from weather at all times, vet care, sufficient heat and ventilation, wholesome food and water, exercise consistent with the breed; clean water in container sized appropriately for species and breed; health related grooming, cleaning and parasite control to ensure animals are maintained in humane state and able to carry out normal activities; seek vet care to prevent suffering (C2M)

Local Ordinances – A Brief Survey

- Cottonwood continued:
 - 6.08.020: Cruel Treatment Prohibited: unlawful to torture or mistreat an animal whether owner or not; shall not unnecessarily overload, overdrive, torture or torment, deprive of necessary sustenance or shelter, beat, mutilate or inhumanely kill, or otherwise abuse any animal or so cause the foregoing; shall not abandon any animal; bait, breed, train, transport, sell, own, possess, or use any wild or domestic animal for the purpose of animal fighting or baiting; betting or wagering any money or other valuable consideration for fighting or baiting of animals, attend the fighting or baiting of animals; provide or allow property for the use in the housing, training, transport, fighting or baiting of animals; poison any domestic animal or willfully injure or disfigure any domestic animal (C1M)

Local Ordinances – A Brief Survey

- Cottonwood continued:
 - 6.08.100: Protection of animals and public: shall not transport or carry on public highway, a dog or animal in or on a motor vehicle unless enclosed within the vehicle or protected by a container, cage, cross tether or other device to prevent the animal from falling from, being thrown from, or jumping from said motor vehicle; any animal in a parked motor vehicle shall be confined as above so as to prevent it from reaching to or beyond the outside edge of such vehicle with any portion of its body; shall not leave or confine an animal in an unattended motor vehicle under that conditions that endanger the health or well-being of an animal due to heat, cold, lack of adequate ventilation, or lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal. (C1M)

Local Ordinances – A Brief Survey

- Cottonwood continued:
 - 6.12 (Dogs)
 - 6.12.010: care requirements similar to the animal care requirements section. Also requires that the owner or caretaker of a dog left outside for any length of time must provide shelter and protection from the elements. The shelter must be constructed of solid wood or other weather resistant material with exception of glass and metal; sufficient in size for dog to enter and have room to stand and turn around inside; seasonally equipped with ventilation to provide movement of air during the heat to help cool down the dog; dry clean bedding such as blanket or wood chips during cold to help pet retain heat; if kept in outdoor kennel or pen, adequate space for exercise (minimum 100 square feet, dogs over 80 pounds and each additional dog, an additional 50 square feet) (Criminal petty offense)

Local Ordinances – A Brief Survey

- Eagar
 - 6.04.090: Cruelty to animals: shall provide animal with sufficient wholesome and nutritious food, water in sufficient quantity within an eighteen hour period; all dogs shall be maintained in such a manner as to provide with humane care and treatment; shall not recklessly subject any animals or poultry to cruel mistreatment or cruel neglect or abandonment, or kill any animal or poultry without legal privilege or consent of the owner or intentionally interfere with, kill or harm a working or service animal without either legal privilege or consent of the owner.

Local Ordinances – A Brief Survey

- Hayden: 6.04.100: Cruelty and Neglect of animals. Over-drives, overloads, overworks, maims, wounds, tortures, torments, beats, mutilates or unlawfully kills an animal (or causes same) or who inflicts cruelty upon it, or carries it or causes it to be contained, carried in, or upon a vehicle in a cruel or inhumane manner or knowingly and willfully authorizes or permits it to be subjected to torture or the suffering of cruelty of any kind, shall be guilty of a class two misdemeanor; abandons an animal, drops off or leaves an animal on a street, road, highway, in a public place, on private property or animal shelter with intent to abandon; must provide food free of contamination and of sufficient quantity and nutritive value to maintain animal in good health; potable water accessible to animal at all times; convenient access to natural or artificial shelter; medical treatment for injuries, parasites and diseases to maintain good health and minimize suffering; adequate exercise space; adequate access to ventilation and protection from temperature extremes (vehicle) (C2M).

Local Ordinances – A Brief Survey

- Nogales: Sec 3-4: Cruelty and Neglect of Animals: unlawful for any person to subject any animal to cruel treatment, cruel neglect or cruel abandonment; the purpose of [second] section is to guarantee that animals are not subjected to unnecessary cruel or inhumane treatment and/or torture of any kind whatsoever and to guarantee that animals under human custody or control are housed in healthy environments and are provided with proper food, water, shelter, medical care, exercise space and ventilation – daily food free of contamination and sufficient quantity and nutritive value to maintain in good health, access to potable water at all times, access to natural or artificial shelter through the year to protect from injury and the elements and sufficient size, medical treatment to maintain animal in good health and minimize suffering, adequate exercise space; no animal is kept in a vehicle or other enclosed space in which the temperature is either so high or so low, or the ventilation is so inadequate, as to endanger the animal's life or health (C2M)

Local Ordinances – A Brief Survey

- Nogales continued: 3-50. Duty to care for dogs; mistreatment; It shall be unlawful for any person owning or having custody of any dog to fail to provide such dog with adequate food, water and shelter, and it shall be unlawful for any person to mistreat any dog.

Local Ordinances – A Brief Survey

- Surprise:
 - Sec. 10-80. Injuring or killing a dog, cat or livestock with an automobile. No person who accidentally or otherwise strikes any dog, cat or livestock with an automobile and injures or kills the same in any manner shall fail to render aid by contacting the owner if they can be found. In the event the owner cannot be located, the local authorities must be contacted in a reasonable amount of time, and directed to the location of the dog, cat, or livestock.
 - Sec. 10-81. Poisoning animals. No person shall intentionally, recklessly or negligently poison an animal.
 - Sec. 10-82. Confining animals. No person shall place or confine an animal or allow an animal to be placed or confined in a motor vehicle, on the bed of a truck that is unprotected from heat, or other enclosed space and under such conditions for any such period of time that will endanger the health or well-being of the animal due to heat, lack of food or water, or other circumstances as may reasonably be expected to cause suffering, disability, or death to the animal.

Local Ordinances – A Brief Survey

- Toileson
 - Sec. 9-2-1. Cruelty Prohibited. It is unlawful for any person to torture, cruelly beat or kick, mutilate, cruelly injure or cruelly or unlawfully kill an animal or to cause or allow an animal to be tortured, cruelly beaten or kicked, mutilated, cruelly injured or cruelly or unlawfully killed.
 - Sec. 9-2-2. Abandonment Prohibited. It is unlawful for any owner of an animal to abandon the animal in any location for more than 24 hours without providing for that animal's care and wellbeing. An animal shall be deemed abandoned when the owner has left the animal in an abode that is not presently occupied or released the animal out of a vehicle onto public or private property without making arrangements for its care.
 - Sec. 9-2-3. Failure to render aid. It is unlawful for any person to accidentally, or otherwise, hit and injure an animal with an automobile or other vehicle and to leave without making a reasonable effort to obtain aid or to render aid and assistance in the care of the animal.
 - Sec. 9-2-4. Neglect Prohibited. Must daily provide food of sufficient quantity and nutritive value to maintain animal in good health; access to potable water at all times; access to natural or artificial shelter, medical treatment; adequate exercise space; tie-out specifications; adequate ventilation and protection from temperature extremes (motor vehicle)

Local Ordinances – A Brief Survey

- Cities that don't have any cruelty provisions:
 - Bisbee
 - Glendale
 - Avondale
 - Buckeye
 - Safford
 - Wilcox
 - Youngtown

THINK OUTSIDE THE BOX

- Disorderly Conduct
- DV
- Arson . . .

Remember

- Important to recognize animal cruelty case in and of itself
- The animal cruelty case can be a key to a different case
- DV/Child Abuse/Child Neglect Cases
- Necropsy
- Freezer v. Fridge
- Get vet involved!!!

Arson/Animal Cruelty Case in Gilbert

Cases

- State v. John Aaron Fields

Cases

- James Holmes
 - Psychiatrist

Cases

- Avela Mendoza
 - Neglect
 - Failure to provide medical care

Cases

- Melissa Chamblee
 - Animal and child neglect

Cases

- Jesus Longoria

Cases

- Mark Brinton

Cases

- Roy Downey

Cases

- Valerie Luna
 - Boxer skin and bones
 - Walking over Coco as she lay in the back yard
 - Charged A.R.S. 13-2910(A)(8) cruel neglect or abandonment that results in serious physical injury
 - A.R.S. 13-2910(A)(2): fail to provide medical attention necessary to prevent protracted suffering

- Valerie Luna continued
 - CR2008-180736

Cases

- Richard Cleary
 - Toffee
 - DV too?
 - EMT

- Sadie Madrid
 - What NOT to do during an investigation
 - Should have been felony but due to investigation filed as misdemeanor

HOARDING

- HOARDING IS DEFINED AS "TO ACCUMULATE AND HIDE, TO STORE AWAY."
- -SERIOUS PROBLEM

HOARDING

- CAN INVOLVE ALL TYPES OF ANIMALS.
- CASES HAVE INCLUDED:
 - DOGS
 - CATS
 - HORSES
 - FARM ANIMALS
 - EXOTIC ANIMALS

HOARDING

STUDY BY THE HUMANE SOCIETY
SHOWN THAT:
WITHOUT A LONG TERM PLAN AND
SUPPORT FOR THE HOARDER
EVIDENCE SUGGESTS RECIDIVISM
RATES REACH 100 PERCENT.

HOARDING

- PSYCHOLOGICAL ISSUE
 - FOCAL DELUSION
 - ADDICTION
 - OBSESSIVE COMPULSIVE DISORDER
 - ZOOPHILIA
 - DEMENTIA

HOARDING CLUES

- COMPLAINTS OF STENCH (AMMONIA OR FECES)
- LARGE AMOUNT OF ANIMALS CONGREGATING AROUND A HOME
- SUSPECT IS USUALLY UNKEMPT
- TYPICAL HOARDER IS MIDDLE AGED, OR OLDER. USUSALLY FEMALE AND ARE OFTEN DISABLED, UNEMPLOYED, OR RETIRED.
- STEREOTYPE DOES NOT APPLY TO ALL SITUATIONS.

- Gilbert Hoarding Case
 - Started with nuisance complaint

- Take charge!!!
- Take it seriously and take on the role!!!!
- Review relevant animal cruelty and agricultural laws and definitions in your jurisdiction
- Identify resources on this connection in your community (humane agents, animal control officers, veterinary professionals, social service agencies)
- Require therapeutic evaluations and interventions
- Be receptive to outreach from animal protection professionals/Prevention Program
- Create or support cruelty taskforce

Outdated Excuses for Behavior

- DUI – “It’s only a joyride.”
- Domestic Violence – “It’s only a family matter.”
- Animal Cruelty – “It’s only an animal, boys will be boys.”

TASK FORCES

- Southern Arizona Animal Cruelty Task Force
- Arizona Professionals' Animal Cruelty Task Force



Bibliography

<http://iceap.ar.org/guide/files/3.asp>

- Photos of serial killers from Randall Lockwood's presentation (VP/Research and Educational Outreach Humane Society of the United States)
